

### **REMARKS**

Claims 25-38 are pending in this application and stand rejected for the following reasons:

- The reissue oath/declaration filed with this application is defective.
- A consent of assignee(s) in compliance with 37 CFR 1.172 is lacking.
- The drawings do not comply with 37 CFR 1.173(b)(3).
- The amendments made to the specification of the reissue application do not comply with 37 CFR 1.173(b).
- New claims 25-38 must be completely underlined without brackets showing deletions.

Applicant respectfully traverses the outstanding rejections, and requests reconsideration and withdrawal thereof in light of the amendments and remarks contained herein.

#### **I. Oath/declaration**

Claims 25-38 stand rejected as being based upon a defective reissue Oath under 35 U.S.C. § 251 for failing to identify at least one error which is relied upon to support the reissue application. Applicant traverses rejection and requests reconsideration.

Applicant has complied with 37 CFR 1.175(a)(1) which states:

(a) The reissue oath or declaration in addition to complying with the requirements of 1.63, must also state that:

(1) The applicant believes the original patent to be wholly or partly inoperative or invalid by reason of a defective specification or drawing, or by reason of the patentee claiming more or less than the patentee had the right to claim in the patent, stating at least one error being relied upon as the basis for reissue; and

In compliance with CFR 1.175(a)(1), in the Reissue Application Declaration, the

Applicant states that “I verily believe the original patent to be wholly or partly inoperative or invalid, for the reasons described below. (Check all boxes that apply.)

X by reason of the patentee claiming more or less than he had the right to claim in the patent.”

The Applicant then states:

At least one error upon which reissue is based is described below. If the reissue is a broadening Reissue, such must be stated with an explanation as to the nature of the broadening:

This reissue is a broadening reissue. The nature of the broadening is by way of the correction of the above-identified error. In particular, the reissue is broadened to the extent that claims 25-33 are newly added by way of a preliminary amendment. Claims 25-33 are directed towards a conductive wire line made of a small diameter tubing having one or more optical fibers extending through the tubing in a helical configuration. The subject matter of claims 25-33 was not claimed under the issued claims of Patent No. 6,148,925.

Applicant notes that the defect lies in the subject matter of claims 25-33 not claimed under the issued claims of Patent No. 6,148,925.

## **II. Consent of Assignee**

Applicant has attached a statement of non-assignment in compliance with 37 CFR 1.172 herewith.

## **III. Amendments to Figures, Specifications, and Claims**

Applicant has attached a replacement sheet showing Figures 3 and 4 as “Amended” in compliance with 37 CFR 1.173(b)(3).

Applicant has amended the Specification as noted above in compliance with 37 CFR 1.173 and 1.177.

Applicant has amended the Claims as noted above in compliance with 37 CFR 1.173.

**CONCLUSION**

In view of the above, applicant believes the pending application is in condition for allowance.

Applicant believes no fee, other than a one month extension fee, is due with this response. However, if a fee is due, please charge our Deposit Account No. 06-2375, under Order No. HO-P01715US2 from which the undersigned is authorized to draw.

Dated: May 12, 2009

Respectfully submitted,

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